

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

IN RE: REALPAGE, INC., RENTAL) Case No. 3:23-md-3071
SOFTWARE ANTITRUST LITIGATION) MDL No. 3071
(NO. II))
) JURY DEMAND
)
) Chief Judge Waverly D. Crenshaw, Jr.
)
) This Document Relates to:
) ALL CASES

UNOPPOSED MOTION TO CLARIFY MOTION TO DISMISS SCHEDULE [D.E. 495]

At the August 7, 2023 status conference, the Court indicated that Plaintiffs (both Multi-Family and Student Housing) would have until September 7, 2023 to file amended pleadings, after which Defendants would have 30 days to file motions to dismiss, Plaintiffs 30 days to respond, and Defendants 14 days to reply. The Court's Minute Order stated the same.¹ The Court's August 7, 2023 Order omitted Plaintiffs' 30-day response deadline, referring only to "replies" to be filed 14 days after Defendants' motions.² The parties have conferred about the schedule. Plaintiffs respectfully move the Court to clarify its prior order and set the following briefing schedule:

- **October 9, 2023:** Defendants shall file their motions to dismiss.³
- **November 8, 2023** (30 days from October 9): Plaintiffs to file opposition briefs.
- **November 22, 2023** (14 days from November 8): Defendants to file replies.

Plaintiffs have conferred with Defendants, who do not oppose this Motion.

¹ See August 7, 2023 Minute Order, "Case Management Conference."

² Dkt. 495 at 2 ("Thirty (30) days after the filing of the Amended Consolidated Complaints, Defendants shall file their Motions to Dismiss. Replies shall be filed fourteen (14) days thereafter.").

³ Plaintiffs filed their amended pleading on September 7. 30 days from that falls on the Saturday before Columbus Day, which by default would put the deadline as Tuesday, October 10, per Rule 6. However, Defendants have indicated that they intend to file on October 9, 2023, so that their reply deadline lands before Thanksgiving (rather than after it). That is fine with Plaintiffs.

Dated: September 19, 2023

/s/ *Tricia R. Herzfeld*

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Plaintiffs' Steering Committee Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List.

/s/ Tricia R. Herzfeld
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